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8
9 **BEFORE THE**
BOARD OF REGISTERED NURSING
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2008-338

13 **TARA MARIE HALSTEAD**
14 P.O. Box 2392
Dublin, California 94568

A C C U S A T I O N

15 California Registered Nurse License No. 614743
16 Florida Registered Nurse License No. 3307822
Georgia Registered Nurse License No. 143887
Virginia Registered Nurse License No. 1178658

17 Respondent.
18

19 Ruth Ann Terry, M.P.H., R.N. ("Complainant") alleges:
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21 **PARTIES**

22 1. Complainant brings this Accusation solely in her official capacity as the
23 Executive Officer of the Board of Registered Nursing ("Board"), Department of Consumer
24 Affairs.

25 2. On or about March 3, 2003, the Board issued Registered Nurse License
26 Number 614743 to Tara Marie Halstead ("Respondent"). The license expired on May 31, 2006,
27 and has not been renewed.

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8. Section 4060 of the Code states, in pertinent part, that no person shall possess any controlled substance, except that furnished to a person upon the prescription of a physician, dentist, podiatrist, or veterinarian, or furnished pursuant to a drug order issued by a certified nurse-midwife pursuant to Section 2746.51, a nurse practitioner pursuant to Section 2836.1, or a physician assistant pursuant to Section 3502.1.

9. Section 11173(a) of the Health and Safety Code states that "[n]o person shall obtain or attempt to obtain controlled substances, or procure or attempt to procure the administration of or prescription for controlled substances, (1) by fraud, deceit, misrepresentation, or subterfuge; or (2) by the concealment of a material fact."

10. Code section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

DRUGS

11. "Morphine" is a Schedule II controlled substance as designated by Health and Safety Code section 11055(b)(1)(M).

FIRST CAUSE FOR DISCIPLINE

(Obtaining, Possessing, and Self Administering a Controlled Substance)

12. Respondent is subject to disciplinary action under section 2671(a) of the Code on the grounds of unprofessional conduct, as defined by section 2762(a) of the Code, in that between the approximate period of October 21, 2004 and October 25, 2004, while employed by HRN Service Inc., a nurse registry, and on duty as a registered nurse at San Leandro Hospital, San Leandro, California, Respondent did the following:

a. Respondent obtained Morphine, a controlled substance, by fraud, deceit, misrepresentation, subterfuge, or by concealment of a material fact in violation of section 11173(a) of the Health and Safety Code, by taking the controlled substance from hospital supplies for her own use.

/ / /

1 b. Respondent possessed Morphine, a controlled substance, in violation of
2 section 4060 of the Code, in that Respondent did not have a prescription for Morphine.

3 c. Respondent self-administered unknown quantities of Morphine, a
4 controlled substance, without lawful authority.

5 **SECOND CAUSE FOR DISCIPLINE**

6 **(Falsify Patient and/or Hospital Records)**

7 13. Respondent is subject to disciplinary action under section 2761(a) of the
8 Code on the grounds of unprofessional conduct, as defined by section 2762(e) of the Code, in
9 that between the approximate period of October 21, 2004 and October 25, 2004, while employed
10 by HRN Service Inc., a nurse registry, and on duty as a registered nurse at San Leandro Hospital,
11 San Leandro, California, she falsified, made grossly incorrect, grossly inconsistent, or
12 unintelligible entries in hospital and/or patient records in the following respects:

13 **Patient 942:**

14 a. On or about October 22, 2004, at 1324 hours, Respondent signed out
15 20 mg. of Morphine and charted the administration of 10 mg. of the Morphine, but failed to
16 account for the disposition of the remaining 10 mg. of Morphine in any hospital or patient record.

17 b. On or about October 22, 2004, at 1657 hours, Respondent signed out 20
18 mg. of Morphine, but failed to account for the disposition of the Morphine in any hospital or
19 patient record.

20 **Patient 303:**

21 c. On or about October 21, 2004, at 0757 hours, Respondent signed out
22 10 mg. of Morphine, but failed to account for the disposition of the Morphine in any hospital or
23 patient record.

24 **Patient 023:**

25 d. On or about October 21, 2004, at 1436 hours, Respondent signed out
26 20 mg. of Morphine without a physician's order and failed to account for the disposition of the
27 Morphine in any hospital or patient record. In addition, the patient was transferred out of
28 Respondent's care at 1126 hours, approximately three hours and ten minutes prior to the signing

1 out of the Morphine.

2 **Patient 354:**

3 e. On or about October 21, 2004, at 1136 hours, Respondent signed out
4 20 mg. of Morphine, but failed to account for the disposition of the Morphine in any hospital or
5 patient record. In addition, Respondent was not assigned to care for this patient.

6 **Patient 244:**

7 f. On or about October 22, 2004, at 0823 hours, Respondent signed out
8 20 mg. of Morphine without a physician's order, and failed to account for the disposition of the
9 Morphine in any hospital or patient record.

10 g. On or about October 22, 2004, at 1018 hours, Respondent signed out
11 20 mg. of Morphine without a physician's order, and failed to account for the disposition of the
12 Morphine in any hospital or patient record.

13 **Patient 818:**

14 h. On or about October 25, 2004, at 0701 hours, Respondent signed out
15 20 mg. of Morphine, but failed to account for the disposition of the Morphine in any hospital or
16 patient record.

17 **PRAYER**

18 **WHEREFORE**, Complainant requests that a hearing be held on the matters
19 herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

20 1. Revoking or suspending Registered Nurse License Number 614743, issued
21 to Tara Marie Halstead;

22 2. Ordering Tara Marie Halstead to pay the Board of Registered Nursing the
23 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
24 Professions Code section 125.3; and,

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3. Taking such other and further action as deemed necessary and proper.

DATED: 6/4/08

Rebecca Stein for:
RUTH ANN TERRY, M.P.H., R.N.
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant